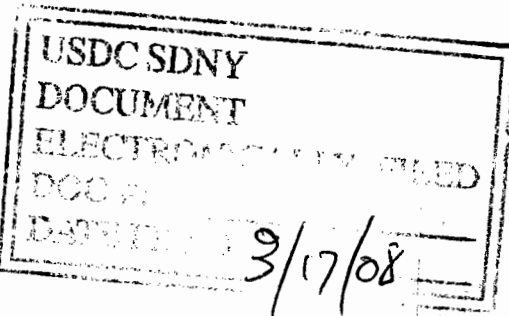


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

XETHANOL CORPORATION,

Plaintiff,

-against-

DEUTSCHE BANK SECURITIES INC.,

Defendant.

07 Civ. 11161 (AKH)

Withdrawn on consent
of parties.

X 3/14/08

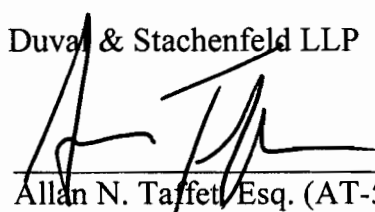
PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, defendant Deutsche Bank Securities Inc. ("Deutsche Bank") will move this Court before the Honorable Alvin K. Hellerstein, at the United States Courthouse, 500 Pearl Street, New York, New York, on February 15, 2008, at 9:30 a.m., or as soon thereafter as counsel may be heard, for an order dismissing this action as against defendant Deutsche Bank pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for such other relief as the Court deems just and proper.

Dated: New York, New York
January 25, 2008

Respectfully submitted,

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